



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: April 22, 2015
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Donna Pohli, Assistant Planner
Subject: **Ducal Development, LLC. (petitioner) and Burke Family Revocable Trust (owner)** - Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District located at 7 Tomasian Drive. Tax Map 4B, Lot 012-01. Case # 2015-13.

The following information is provided to aid in your consideration of the above referenced case. Additional background, and application materials, is included in your packet.

Background:

The petitioner seeks to build a new home with space to accommodate 680 sq.ft. of heated living space for use as an Accessory Dwelling Unit (ADU), as well as a three car garage at 7 Tomasian Drive (lot is currently vacant). According to the petitioner's floor plan, the ADU will consist of one bedroom, bath, living area with kitchenette with an internal connection to the Principal Dwelling Unit (PDU) via a staircase to the mudroom/entrance off of the garage. Pursuant to Section 2.02.1(B)(2) of the Zoning Ordinance, the petitioner seeks a Special Exception. The subject property is located at 7 Tomasian Drive (Tax Map 4B, Lot 012-01) in the R-1 (Residential) District. The lot contains approximately 3.359 acres and is proposed to be serviced by an on-site well and septic system.

According to the application, the proposed dwelling will be 1,800 s.f.. The PDU will have two bathrooms, two bedrooms, a study, living area, dining area, and kitchen. The petitioner's application indicates 680 sq. ft. of heated living space within the accessory dwelling unit. Based upon this information, the ADU represents approximately 37% of the heated living space of the proposed PDU. The ADU is proposed to be located on the lower level. According to the application, there are several egress windows in the bedroom of the ADU as well as access through the rear of the house where the grade gently slopes to the doors.

Standard of Review:

It is the burden of the Petitioner to demonstrate, to the satisfaction of the Board, that the conditions for the granting of a Special Exception, under Section 2.02.1(B)(2) of the Zoning Ordinance, have been satisfied. Please also note that it has been the policy of the Board, in granting such an Exception, to require the recording of customary covenants regarding occupancy of the ADU by family members, as a condition of the Board's approval.

Should the Board vote to grant the request for the Special Exception, Staff recommends that approval be conditioned upon the following:

1. Execution of Declaration of Covenants for the Accessory Dwelling Unit (form will be provided by Staff);
2. Payment of the Hillsborough County Registry of Deeds recording fee for recording of the Declaration of Covenants for the Accessory Dwelling Unit.

Ec: Erol Duymazlar, Ducal Development (Applicant)
Jeff and Marlene Burke (Owners)
Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department
Kyle Fox, P.E, Public Works Department

Cc: File
Correspondence